

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

LEK SECURITIES CORPORATION,
SAMUEL LEK, VALI MANAGEMENT
PARTNERS dba AVALON FA LTD,
NATHAN FAYYER, and SERGEY
PUSTELNIK,

Defendants.

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: Case No. 17-CV-1789(DLC)
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: **DECLARATION OF DAVID**
: **J. GOTTESMAN IN**
: **SUPPORT OF PLAINTIFF’S**
: **MOTION IN LIMINE**
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I, David J. Gottesman, declare as follows:

1. I am admitted *pro hac vice* as counsel for plaintiff Securities and Exchange Commission (the “SEC”) in this action.
2. I have personal knowledge of the facts presented in this declaration based upon my review of documents relevant to this litigation. I respectfully submit this declaration in support of the SEC’s Motion in Limine to Preclude Avalon Defendants From Offering Evidence of or Referring to Reliance on Counsel, or Presence or Involvement of Counsel.
3. Attached hereto as **Exhibit 1** is a genuine and authentic copy of a transcript of a conference call with the Court on March 15, 2018.
4. Attached hereto as **Exhibit 2** are relevant excerpts from the transcript of Excerpts from the Deposition of Serge Pustelnik, taken March 20 and 21, 2018.

5. Attached hereto as **Exhibit 3** is a genuine and authentic copy of the answers of Avalon FA Ltd and Nathan Fayyer dated December 1, 2017, to the interrogatories propounded by the SEC.

6. Attached hereto as **Exhibit 4** is a genuine and authentic copy of the answers of Serge Pustelnik dated December 1, 2017, to the interrogatories propounded by the SEC.

7. Attached hereto as **Exhibit 5** is a genuine and authentic copy of a letter dated January 22, 2016 letter from Kevin Harnisch to FINRA.

8. Attached hereto as **Exhibit 6** is a genuine and authentic copy of a letter dated May 23, 2016 letter from Kevin Harnisch to FINRA.

9. Attached hereto as **Exhibit 7** is a genuine and authentic copy of a letter dated May 21, 2015 letter from Kevin Harnisch to FINRA.

10. Attached hereto as **Exhibit 8** is a genuine and authentic copy of a letter dated July 31, 2015 letter from Kevin Harnisch to FINRA.

11. Attached hereto as **Exhibit 9** is a genuine and authentic copy of a letter dated May 27, 2016 letter from Kevin Harnisch to FINRA.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed on: September 13, 2019.

/s/ David J. Gottesman

CERTIFICATE OF SERVICE

I hereby certify that on September 13, 2019, a true and correct copy of the above document was served on all counsel of record by filing this document using the CM/ECF system.

/s/ David J. Gottesman